

MR

UNITED STATES DISTRICT FOR THE NORTHERN  
DISTRICT OF ILLINOIS

Daniel M. Rosenbaum,  
Defendant,

v.

United States of America,  
Plaintiff.

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Case No.: 1:21-CR-00239(1)

**FILED**

**FEB 11 2025**

THOMAS G. BRUTON  
CLERK, U.S. DISTRICT COURT

MN

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MOTION FOR REDUCATION OF SENTENCE PURSUANT TO 18 U.S.C. 3582(c)(2)

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NOW COMES, Daniel M. Rosenbaum (ROSENBAUM), filing as a Pro Se Prisoner, respectfully submits this Motion for Reduction of Sentence Pursuant to 18 U.S.C. 3582(c)(2). In support thereof, ROSENBAUM offers the following:

I. INTRODUCTION

ROSENBAUM was convicted of 18:1343.F Fraud by Wire, Radio or Television CT.3 on February 13, 2024 and was sentenced to 84 months and 2 years probation. ROSENBAUM surrendered on January 9, 2023 and has served 25 months as of the date of this Motion. As of the date of this Motion, anticipated release date is December 24, 2028 as indicated on the BOP website.

II. APPLICABLE LAW

According to 3582(c)(2), a court may modify a defendant's term of imprisonment based on a sentencing range that has been lowered as a result of an amendment to the guidelines (Amendment 821), after consideration of the factors set for in 18 U.S.C. 3552(a), as applicable, and provided the sentence reduction is consistent with applicable policy statements issued by the sentencing commission. USSG 1B1.10 is the policy which guides the court as to the amount by which a sentence may be reduced.

III. A REDUCTION IN SENTENCE UNDER 18 U.S.C.(c)(2) IS WARRANTED  
USSG 4C1.1 provides a decrease of two offense levels for "zero  
point offenders" whose offense did not involve the following  
specific aggravated factors:

1. No adjustment under USSG 3A1.4 terrorism;
2. Defendant did not use violence or threats of  
violence in the offense;
3. The offense did not result in death or serious  
bodily injury;
4. The offense of conviction is not a sex offense;
5. Defendant did not personally cause substantial  
financial hardship;

(According to the Amendments to the Sentencing  
Guidelines dated April 27, 2023, (4F 2B1.1)  
substantial financial hardship is defined as  
follow: In determining whether the offense resulted  
in substantial financial hardship to a victim, the  
court shall consider, among other factors, whether the  
offense resulted in the victim (i) becoming insolvent;  
(ii) filing bankruptcy under the Bankruptcy Code (title  
11, US Court); (iii) suffering substantial loss of a  
retirement, education, or other savings or investment  
fund; (iv) making substantial changes to his or her  
employment, such as postponing his or her retirement  
plans; (v) making substantial changes to his or hers  
living arrangements, such as relocating to a less  
expensive home; and (vi) suffering substantial harm  
to his or her ability to obtain credit).

6. Defendant did not possess, receive, purchase, transport, transfer, sell, or otherwise dispose of a firearm or other dangerous weapon (or induce another participant to do so) in the offense;
7. The instant offense of conviction is not covered by the USSG 2H1.1 offenses (involving human rights);
8. Defendant did not receive an adjustment under 3A1.1 (aggravating role) and was not engaged in a continuing criminal enterprise under 21 USC 848.

IV. NONE OF THE ABOVE FACTORS APPLY TO ROSENBAUM

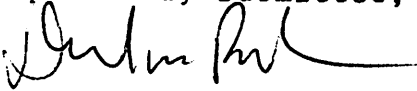
1. ROSENBAUM has no adjustment under USSG 3A1.4 (terrorism).
2. ROSENBAUM did not use violence or threats of violence in the offense.
3. ROSENBAUM'S offense did not result in death or serious bodily injury.
4. ROSENBAUM'S offense of conviction was not a sex offense.
5. ROSENBAUM did not personally cause substantial hardship.
6. ROSENBAUM did not possess, receive, purchase, transport, transfer, sell or otherwise dispose of a firearm or dangerous weapon.
7. ROSENBAUM did not have any instant offenses not covered by USSG 2H1.1 offenses (Human Trafficking).
8. ROSENBAUM did not receive an adjustment under 3A1.1 (Aggravating Role) and not engaged in a criminal enterprise under 21 USC 848.

V. CONCLUSION

Based on the foregoing, ROSENBAUM respectfully prays that the Court grant his Motion under 18 U.S.C. 3582(c)(2) and reduce his term of imprisonment.

Dated the 5 day of February, 2025.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Daniel M. Rosenbaum", written over the typed name.

Daniel M. Rosenbaum

Address:

Daniel M. Rosenbaum, 42422-509  
FMC Lexington  
P.O. Box 14500  
Lexington, KY 40512

Daniel M. Rosenbaum, 42422-509  
FMC Lexington  
P.O. Box 14500  
Lexington, KY 40512

February 5, 2025

Judge Manish S. Shah  
U.S. District Courthouse  
219 S. Dearborn Street  
Chicago, IL 60604

Honorable Judge Shah.

Incarceration has changed my life in such a way that I see this as an opportunity to change things for a new positive way of life especially in regards to correcting and improving family and business relationships as well as the law and accepting responsibility for my short comings. Before this case, I had been a law-abiding citizen and it was easy to be and it is easier now after enduring the consequences of this regrettable offense. I am currently and plan to resume being a law-abiding citizen upon my release.

This experience has allowed me to see the bad decisions I made. As I stated my remorse in my Plea, I just want to re-iterate that I am truly sorry for my actions and I realize it just did not have a financial affect on my victims but it also affected them emotionally. Both combined it really hurt them and I will be putting every effort towards earnings their forgiveness.

Before my incarceration I was overweight, had high blood pressure and bad cholesterol. Over the past 24 months, I have lost 80 pounds, lowered my blood pressure and improved my cholesterol. I exercise and walk daily, all of this had lowered my Medical Care Level from a 3 down to a 2. During my last appointment, my Provider alluded to my improvement.

When I am released from my incarceration, I plan on opening a resale childrens clothing shop with my oldest daughter. I look forward to rebuilding my family community and business relationships. My incarceration has taught me many lessons and will work diligently on rebuilding these relationships as I focus on respect and trust. My actions will speak louder than words and am determined to be successful.

I pray for early release, so that I may get my life back on track. My incarceration has been very difficult on my family relationships. While incarcerated my 86 year old Mother had a heart attack and is still recovering. I have also missed my Daughter, Hannah's wedding (07.12.24) and as of now, I will miss the birth of my first grandchild. Even though these are emotional events for me, they were and will be more stressful for Hannah to go through these events without her Dad at them.

I have been able to push forward to becoming productive with me time . as much as the BOP allows. I have completed the following FSA Classes: Embracing Interfaith Conflict, Faith Based Conflict Management, How to Talk to Your Doctor and Non-Residential Drug Abuse Program. I am a current participant in the DD RDAP (Dual Diagnosi Residential Drug Abuse Program) as well as the FSA Classes Wellness Inside Out and Threshold.

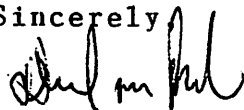
I am currently on the waitlist for: Resolve Workshop, Arthritis Foundation Walk, Be-Activ, Brain Health as You Age, Criminal Thinking, Emotional Self-Regulation, Basic Cognitive Skills, Understanding Feelings and the National Parenting Program.

I have also completed ACE (Adult Continuing Education) classes: Study of the Holocaust, Human Brain and Dog Care and Training. I have also participated in Hobby Craft classes and completed their Ceramics class and currently enrolled in Leather Tooling.

When I first arrived at FMC Lexington, I worked as a QA at Unicor for 6 months, then I enrolled in the DD RDAP program and due to scheduling conflicts with the program I found another job with the Recreation Department which I have been working at these past 3 months. I also have been productive with my time by attending church and participating in Bible Study Groups.

I greatly appreciate your taking the time to read my letter and consider my motion. I ask for mercy in returning me home.

Sincerely

A handwritten signature in black ink, appearing to read "Daniel M. Rosenbaum". The signature is stylized with a large, looped 'D' and a cursive 'R'.

Daniel M. Rosenbaum



⇄42422-509⇄

Dan  
FMC  
PO  
Lexi  
United States

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FEB 11 2025

THOMAS G. BRUTON  
CLERK, U.S. DISTRICT COURT

LOUISVILLE KY 402

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⇄42422-509⇄

Clerk Of Court  
U.S. District Courthouse  
219 S Dearborn ST  
Chicago, IL 60604  
United States

02/11/2025-5

